

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on July 16, 2015 in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

Present: Judge Walsh, Judge Zuidmulder, John Gossage, Phil Steffen, Erik Pritzl, Dave Lasee, Patrick Evans, Don Harper, Tera Teesch, Michelle Timm, Joe Torres, Dana Johnson, Brian Westphal.
Excused: Jeremy Donath, Larry Malcomson, Troy Streckenbach, Tim Mc Nulty

1. Call Meeting to Order.

The meeting was called to order by Chair Judge Walsh at 8:00 am.

2. Approve/Modify Agenda.

Motion made by Patrick Evans, seconded by Dave Lasee to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify minutes of May 8, 2015.

Motion made by Patrick Evans, seconded by Dave Lasee to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. TAD Grant programs/coordinator position. (Dave Lasee).

District Attorney Dave Lasee indicated that Angela Sparks has resigned from the TAD Grant Coordinator position to go back to her home state due to family issues. Joe Torres is acting as the interim TAD Grant Coordinator and the position has been posted to be filled. Lasee continued that Torres is swamped because not only is he taking over the interim role of the TAD Grant Coordinator and Criminal Justice Coordinating Board coordinator; he is still acting as the case manager for the treatment courts. Lasee noted that the treatment courts have expanded substantially over the last six months which is a good thing, but it does lead to increased workloads for Torres, especially with his interim role of TAD Grant Coordinator. Once the TAD Grant Coordinator position is filled, Lasee would like to see the treatment courts expanded even further. He noted that the diversion program needs a little tweaking and work as well. Lasee informed that they are still accepting people into the diversion program, but they are not actively seeking to expand it until the TAD Grant Coordinator position is filled.

Brian Westphal of Wisconsin Lock and Load was in attendance and Judge Walsh asked him to give the group an update on the electronic monitoring program offered by Lock and Load. Westphal indicated that Wisconsin Lock and Load has been doing transports for nine years. Several years ago they looked into expanding to electronic monitoring as this area of Wisconsin seems to be under represented with regard to electronic monitoring. Wisconsin Lock and Load decided to start providing those services to different agencies throughout the state. Westphal indicated that they would be able to provide a free trial release and assistance within the TAD program. He had been in touch with Angela Sparks on this

as the treatment courts were expanding and her UA collections were expanding. Wisconsin Lock and Load would like to work with the diversion program and the TAD program to provide electronic monitoring and other services. Westphal continued that the idea of electronic monitoring in the area is to get some of the arrestees out of the jail and assist them where the cash bond is somewhat high and to provide an opportunity to convert cash bonds into signature bonds and then put the offenders on electronic monitoring. With the monitoring, the offenders would be monitored to know where they are throughout the county and Lock and Load would stay in touch with the arrestees through weekly or bi-weekly meetings which would keep the offenders out of jail during the pretrial period. Lock and Load would then report back to the Judge and the defense attorney and the District Attorney to give them bi-weekly reports as to how the offenders are doing. The goal would be that if the arrestees successfully complete pretrial release on electronic monitoring with minimal or no infractions, that the Court will see that they have succeeded early on and therefore the sentence might be a little lower and there would be a shorter sentence. Westphal continued that the goal is to ensure that the offenders keep their job prior to being sentenced which is contributing something to the community and not setting them up for failure once they are sentenced. They can maintain their family life and some of the support structure and work on areas that got them into trouble. The hope would be that the judges and district attorney see that the person has succeeded during the pretrial process and that that be reflected in the sentence with less time in jail or prison which would ultimately save the County and the taxpayers money as well as keep the person somewhat of a productive citizen and keep them employed. Westphal stated that Wisconsin Lock and Load has various monitoring options such as GPS monitoring and alcohol monitoring. They have both 24 hour monitoring with an ankle bracelet and remote breath device monitoring.

Judge Walsh asked if Westphal had spoken with other judges on this and Westphal responded that he has a meeting set up with Judge Atkinson. Evans asked for clarification on the role Lock and Load would have. Westphal explained that Lock and Load is a private business and they are able to provide the monitoring for the clients that are on pretrial release. Supervisor Evans asked if that would be the responsibility of the Sheriff's Department and Westphal responded that prior to be convicted of a crime, an individual does not fall under the Sheriff's responsibility, but rather under parole and judges. Westphal stated that Lock and Load has recently worked with a client through Judge Zuidmulder's court where the Judge ordered the person out on a bond and part of the bond was that the individual had to be on an electronic monitoring device. The client was offered to go find someone to do the electronic monitoring and he found Lock and Load. Judge Zuidmulder added that there is no expense to the County and in the case Westphal referenced it was very effective.

Sheriff Gossage provided clarification that the jail does the electronic monitoring for sentenced inmates. It works similar to what Westphal has described earlier. Westphal noted that their system is completely independent of the Sheriff's system; however, the equipment is similar. Westphal continued that if a judge orders an individual out on a condition of electronic monitoring, Lock and Load can go to the jail to put the device on and the offender is then required to pay for two weeks of services in advance. Lock and Load then sees these individuals every two weeks to go over the last two weeks. They are able to let them know if there are alarms that need to be discussed, but these meetings keep the individual accountable as well as making the person pay for the program. If the client is not paying, Lock and Load goes to the District Attorney to let them know.

Judge Zuidmulder added that Lock and Load would be another tool to get people out of jail, but there are strict guidelines. Evans asked if it was anticipated that this would be used quite a bit and Judge Zuidmulder responded that his business is public safety and he felt that there were a group of cases out there now that this would be helpful for. Evans asked what type of cases this would be good for and Judge Zuidmulder responded that it would be helpful in cases where the court is satisfied that there is not a high risk to public safety but the behavior of the individual is such that they want to be sure they are closely monitored out in the community.

Westphal was asked if Lock and Load could also do UAs and he responded that he was working with Sparks on this and that is part of the business they are trying to develop and determine if all of the requirements can be met. The main hurdle would be the balancing act of bringing on employees but not having quite enough collections to justify it. Westphal was asked if it would be possible to track people to be sure they are going to treatment. He responded that within the GPS device they use, they are able to track movement every single day via computer. Lock and Load is able to track history so they know where the person has gone, and then zones can be set up in areas the individual needs to be in for things like work and treatment. The system is very robust as to what can be monitored and can include both inclusion and exclusion zones. Evans asked what happens if someone is in an area they should not be and Westphal responded that they need to sit down with all key parties to see what the best process would be. He continued that in a similar program in Kansas City, when they get an alarm, they go to the court and district attorney to report the infraction. Westphal noted that some violations are worse than others and they have to figure out what the court wants as far as reporting and this is something that needs to be developed further.

Westphal continued that currently they charge \$13 per day for GPS and \$14 per day for 24/7 monitoring on the ankle bracelet for alcohol and \$10 per day for a remote breath device where the individual would blow into it periodically throughout the day. If someone is on strict house arrest with no GPS, that is \$8 per day. Westphal noted that he will need to come up with a sliding scale to lower the prices down somewhat for those who cannot afford full price.

At this time Judge Walsh asked Sheriff Gossage to talk about the County Jails at a Crossroads article referenced in Item 7. Gossage noted that the article was in the *National Association of Counties* publication. Brown County participated in a study that showed that throughout the United States, 67% of the confined county jail population is pre-trial. Gossage felt that the County would be well served if this Board could take a look at different options to get those individuals out to lessen the jail capacity. Currently the jail is at 98% capacity and there are also 98 EMP inmates out in the community being monitored on bracelets. Security Lieutenant Phil Steffen indicated that there have been upticks in internet crimes against children and heroin which are filling up schedules in the courts and the jail is bursting at the seams. He felt that anything that can be done to minimize the factors and impact on taxpayers and operations would be well worth it and very appreciated. Judge Zuidmulder felt that one of the key things is risk assessment at intake, whether it be in the Sheriff's Department or the DA's office or through some other process. Judge Zuidmulder has seen counties do the risk assessment and send the results to the Court Commissioner/Judge, so instead of the DA's office or the Public Defender's office blowing numbers, a risk assessment based on an evidence based instrument that says a person is low risk can be considered by the court and the court will be much more comfortable

with a low bond or a signature bond. The current system does not seem rational and numbers are being picked out of the air. Judge Zuidmulder felt that the greatest impact could be made by utilizing an evidence based risk assessment tool. Steffen advised that Brown County was part of a pilot program to work with Northpoint which has been defended all the way up through the Supreme Court. Judge Zuidmulder stated that they need to talk about a process to get this information to the judges. There are a number of risk assessment tools being used around the state and Lasee stated that one of the things that came about in the system mapping several months ago is that there needs to be an assessment at the outset of the process. Judge Walsh agreed that having something to look at from a risk assessment standpoint would be incredibly useful to him. It was also indicated that it would be helpful for the court system to have access to the jail system so all information would be available. Judge Zuidmulder indicated that there are silos that need to be broken down and conversations need to be had to find a way to have the information communicated and attached to something that comes to the Judge's attention. The County is paying for the work; it is just a matter of having the information relayed to other decision makers. Lasee stated that this has been talked about with this group and it seems that everyone is on board with this, but a way to execute it needs to be determined. Lasee continued the other issue is that there needs to be training on the different assessments as there are risks to the jail and there are risks to recidivate and he does not know if there are separate tools to assess separate risks. These tools are not meant to be a substitution for judgment but are meant to enhance the ability to exercise judgment and Lasee felt that if all stakeholders were properly trained, this can be done. Judge Walsh stated that a determination would need to be made as to where the task gets assigned. Judge Zuidmulder suggested that a subcommittee be formed to discuss a risk assessment instrument to be performed at the jail. Evans felt that a tool would not give a dollar amount for bond and while Judge Walsh agreed, he added that a tool would tell a lot about what dollar number to put on for a bond.

5. Mental Health Court (Judge Zuidmulder).

Judge Zuidmulder was excited to report that there are currently 6 or 7 participants. In comparison, when drug court was started in 2009, it took almost a year to get to that number because of the screening. Because the mental health population is so identifiable to local law enforcement officers as well as the DA's office, participants are coming into Mental Health Court much more quickly. Judge Zuidmulder shared a story of one of the mental health court success stories. The idea of the treatment courts is to get people out of jail where they don't need to be and also relieve officers of having to go to a residence repetitively and being distracted from other police services. Judge Zuidmulder felt the court was going very well and he is expecting to be able to serve 5 – 25 participants. Judge Zuidmulder noted that his court is also economically beneficial as he does not have any treatment costs, just a case worker. Through all of the treatment courts combined, there are approximately 100 individuals being served who would otherwise be nuisances and in jail. As the different populations are being dealt with, they are seeing the numbers that will have a significant impact on the jail population as well as the police agencies and how the services are being distributed. Evans asked for an example of a sentence given to someone in mental health court. Judge Zuidmulder responded that once a person comes in front of him they would have 12 months of probation and have to appear before him every Friday. In addition, they would need to take medications, see the appropriate mental health care providers and not have any law violations. Judge Zuidmulder noted

that people receiving assistance have to have a payee to help with the financial part. They also assist with setting up budgets to help manage resources. He shared several other stories of success that have come out of the system and noted that he looks forward to Court each week because the stories are good. Evans asked if the participants typically have co-occurring disorders with mental health and drugs and alcohol. Judge Zuidmulder responded that the question becomes where the criminal justice system has propelled them. If it has propelled them into being a felony offender, there is a stronger analysis to look at what is going on. If they are misdemeanors, law enforcement typically knows whether things are booze related or mental health related. Judge Zuidmulder continued that at least half of the people that are being recommended to the mental health court are not coming from the DA's office or the public defender, but are actually from the local law enforcement officers who feel the people should participate in the treatment court.

Human Services Director Erik Pritzl added that he felt the mental health court was such a good thing because it really takes people who Human Services struggle with because they come to treatment and then don't but they don't always rise to the level of commitment so people fall where they are somewhat voluntary in terms of services but can also decide not to take part in treatment. With mental health court, one of the provisions is that they have to participate in treatment. Judge Zuidmulder added that most of the people who are arrested have no ability to bail out so they spend a few days in jail and then meet with the public defender who suggests the mental health court and the typical immediate response is "yes". Criteria for mental health court is that the individual has a chronic mental health disorder as well as a service provider because there is no money to do evaluations. Mental health court then contacts the provider to put the appropriate measures in place to get the individual back into treatment and taking their meds. They realize that nobody is going to be cured and not ever come back, but they hope that by having them in the mental health court they go a longer period of time before coming back into the criminal justice system. Additionally, there is tremendous savings in resources to the tax payers.

A question was raised regarding people who do not have an existing provider. Judge Zuidmulder responded that he is fiscally conservative and knows what he has to deal with, but if he could find money to do evaluations he would. He has designed the court to do what can be done as inexpensively as possible for the County. He has had to tell people that he could not do more because of funding. It was also noted that the public defender's office has people who meet the criteria for mental health court but do not have a provider and cannot afford a provider and therefore they cannot participate in the Court.

**Motion made by Patrick Evans, seconded by Dave Lasee to receive and place on file Items 4 and 5.
Vote taken. MOTION CARRIED UNANIMOUSLY**

6. Heroin/Drug Court (Judge Walsh).

Judge Walsh indicated that the heroin court has been up and running for about six months and there are currently 10 participants. It is going well and he noted that nobody has been kicked out of the court as of this time. Everyone seems to be doing well and he echoed Judge Zuidmulder that the situations with the people in the court is terrible. Many of them do not have any family and others

have a primary residence of the homeless shelter. He noted that it often takes several days to get someone into treatment and he shared a few stories of participants. He added that drug court is still plugging away and they have a large number of participants. Evans asked what is being done as far as treatment. Judge Walsh responded that there is drug counseling and he also mentioned that the Jackie Nitschke Center has a procedure for withdrawal and therapy. It was added that the best resource at this time is the Aids Resource Center as they have a grant where they can provide treatment at a very minimal cost as well as individual counseling. Several medicative assistant programs are being looked at. It was indicated that in this area the Jackie Nitschke Center is used for inpatient treatment as well as Casa Clare in Appleton and Nova in Oshkosh. Lasee noted that there is a substantial lack of treatment options in the community, especially for residential treatment. He noted that there are not a lot of places to put people right when they get released or to go through withdrawal. This is a statewide issue and Evans noted that the Human Services Committee will be trying to find some solutions. Michelle Timm added that she had been at a training conference recently and the doctor speaking about heroin and opiate addiction indicated that there is research that shows that intensive outpatient programming is equally as effective as inpatient programming. She will provide the research on this to the Board. She noted that coupling the outpatient treatment with the fact that there is an agent working very closely with the participants provides a team approach that encircles the people to provide help. Timm continued that she did not feel there was anything better than the supervision provided to people with the treatment courts and the team approach. Lasee stated that there is a difference between the inpatient treatment and the jail in having a place to transition these people out. It is difficult to transition someone out of the jail if they have nowhere to go for support.

7. County Jails at a Crossroads Article (distributed last week) (Sheriff Gossage).

This item was discussed earlier in Item 4.

Motion made by Patrick Evans, seconded by Sheriff Gossage to receive and place on file Items 6 and 7. Vote taken. MOTION CARRIED UNANIMOUSLY

8. List of Tasks from our 2014 Study on Jail Usage (attachment).

Judge Walsh noted that one of the things on the task list was using COMPAS or some other tool to help assess risks. He continued that each court has been advised to reduce the time between revocations and sentencing. They would like to see the hearings occur within 10 days of each other to get the people out and get them sentenced sooner. Judge Walsh is trying to maintain that timeline in his branch. He also noted that significant steps have been taken on the operating after revocation cases where in conjunction with the DA's office they have agreed to address these things more efficiently in front of the Court Commissioners by amending to ordinance violations so the parties do not have to come back to court when often times they don't show up anyway but then sit in jail on a warrant while they wait to get before a judge.

With regard to the bond request, Lasee stated that they have talked about it and he felt that this dovetails with using a COMPAS tool or something similar. Gossage noted that they are instructing

their officers to encourage more ordinance violations rather than putting people in jail and Green Bay is doing the same thing.

Judge Walsh continued that day report centers have been discussed in the past and Lasee stated that that would be an option and ties in on what Lock and Load reported earlier. He felt that day report and pretrial release on some sort of device would be the best use of a day report center. Lasee felt that a committee should be formed to look at this as well as the use of GPS and alcohol and drug monitoring bracelets as a way to manage pretrial release. Judge Walsh asked who runs the day report centers that Lasee has visited and he noted that in Outagamie County Family Services is running the day report center. This is working well in Outagamie County and Lasee would like to see it explored further in Brown County.

9. **Request to present at a future meeting by Measures for Justice (Don Harper/Judge Walsh).**

Judge Walsh recalled that at the last meeting he brought up the idea of having a representative of Measures for Justice come to address the group. He recalled that Measures for Justice has conducted a study in Milwaukee and gathered some data on the criminal justice system and wanted to share it with the Board and then possibly use Brown County to do some more work with a grant from the Department of Justice. Judge Walsh indicated that Don Harper had checked more into this and checked feedback about Measures for Justice. Harper stated that he spoke to the District Court Administrator in Milwaukee and they had a lot of reservations with working with Measures for Justice as they felt the group was predisposed to ideas that the system was not working without having any knowledge of how the system works. Further, there were concerns about the measures that Measures for Justice takes and it was felt that there was little credibility to the measures and how the system in Milwaukee worked. Since the presentation would be free, Harper did not see any reason to turn it down but felt that we should proceed with caution. Lasee noted that he had heard something similar and agreed with Harper in that if they are going to do the presentation, we could hear it but be cautious. Judge Walsh said that he will try to get a presentation set up for the next meeting and then the Board can discuss it further following the presentation.

Motion made by Patrick Evans, seconded by Dave Lasee to receive and place on file Items 8 and 9.

Vote taken. MOTION CARRIED UNANIMOUSLY

10. **Adjourn.**

Patrick Evans suggested adding "Such Other Matters" to their future agendas.

Motion made by Patrick Evans, seconded by Sheriff Gossage to adjourn at 9:04 am. Vote taken.

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary